

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

NELSON ORTIZ-BAEZ,

Petitioner,

v.

UNITED STATES OF AMERICA,

Respondent.

Civil No. 01-1399 (JAF)
(Criminal No. 95-029)

O R D E R

Petitioner, Nelson Ortiz-Baez, requests a second certificate of appealability from this court to appeal our denial of his motion filed under 28 U.S.C. § 2255 (1996). See 28 U.S.C. § 2253(c)(2) (1996). A certificate of appealability may be granted only upon a substantial showing of the denial of a constitutional right. 28 U.S.C. § 2253(c)(2) and (3) (1996).

Upon reviewing the record, we find Petitioner's claim entirely insubstantial for the reasons stated in our Opinion and Order of September 23, 2003, Docket Document No. 9. Accordingly, we **DENY** Petitioner's request for a certificate of appealability.

IT IS SO ORDERED.

San Juan, Puerto Rico, this 21st day of February, 2006.

S/José Antonio Fusté
JOSE ANTONIO FUSTE
U. S. District Judge